

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/1/2023

UNITED STATES OF AMERICA,

Plaintiff,

- against -

ALBERTO CASTELLANO and FRANKLIN MINAYA,

Defendants.

01 Cr. 619 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

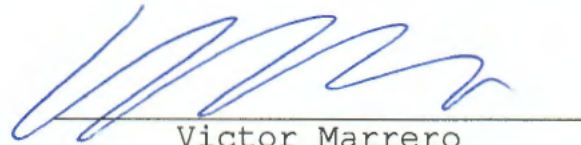
The Court previously stayed proceedings regarding the above-referenced defendants' 22 U.S.C. § 2255 petitions (the "Petitions") pending the resolution of one or more of certain appeals then before the Second Circuit, which have since apparently been decided. (See Dkt. Nos. 397-98.) Accordingly, on November 7, 2023, the Court directed the parties to advise whether the stay should be lifted. (See Dkt. No. 425.) In response to that directive, counsel for defendant Franklin Minaya advises that another Second Circuit case, United States v. Hussain (Barrett), No. 21-1379, presents additional issues relevant to the Petitions and remains to be decided. (See Dkt. No. 430.) Counsel for defendant Franklin Minaya and the Government thus request that the stay herein be extended for ninety (90) days, or until the date of a published Second Circuit decision in Hussain (Barrett), whichever comes first. (See id.)

The Court hereby **GRANTS** the request and adopts the proposed schedule as to both above-captioned defendants, i.e., for both Petitions.*

After the expiration of ninety (90) days or upon the publication of a Second Circuit decision in Hussain (Barrett), whichever comes first, the parties shall have ten (10) days to submit to the Court a briefing schedule regarding the Petitions.

SO ORDERED.

Dated: 1 December 2023
New York, New York



Victor Marrero
U.S.D.J.

* Counsel for defendant Alberto Castellano did not mention the Hussain (Barrett) case and asked only for an extension until December 29, 2023 of the parties' time to respond to the Court's order of November 7, 2023. (See Dkt. No. 429.) In the interest of consistency, the Court adopts the 90-day extension of the stay as to both defendants, obviating the need for counsel to further respond to the Court's order of November 7, 2023.